



## United States Department of the Interior

NATIONAL PARK SERVICE  
Pacific West Region  
909 First Avenue, Fifth Floor  
Seattle, Washington 98104-1060



IN REPLY REFER TO:

H34 (PWR-CR)

August 6, 2009

Wayne Y. Yoshida, Director  
Department of Transportation Services  
City and County of Honolulu  
650 South King Street, 3<sup>rd</sup> Floor  
Honolulu, Hawaii 96813

Dear Mr. Yoshida:

This letter is in response to the revised draft programmatic agreement that was distributed during the recent July 28<sup>th</sup> Section 106 consultation meeting, the U.S. Department of Transportation Federal Transit Administration (FTA) letter dated July 24th, the City & County of Honolulu Department of Transportation Services (DOTS) letter dated June 23, 2009, and the additional noise study information requested by the National Park Service (NPS) and provided by your office on July 1.

The National Park Service is delegated monitoring and technical assistance responsibilities by Congress to ensure that National Historic Landmarks retain the highest degree of integrity possible.. These monitoring responsibilities are carried out by NPS staff in our regional offices. Five NHLs are located within, adjacent to, or in close proximity to the Honolulu High Capacity Transit Corridor Project – Pearl Harbor NHL, Commander in Chief, Pacific Fleet (CINPAC) NHL, the USS Bowfin NHL, USS Arizona NHL and the USS Utah NHL.

The World War World War II Valor in the Pacific National Monument is a unit of the National Park System. The memorial consists of nine sites. Five of the sites are within the Pearl Harbor NHL Boundary, and a portion of the USS Arizona Memorial and Halawa Landing site is within the APE for the Honolulu High Capacity Transit Corridor. The USS Arizona Memorial and Halawa Landing sites include within its boundary USS Arizona NHL. The monument provides two areas of quietude and contemplation—the outdoor contemplation circle currently under construction as part of the new visitor center project and the USS Arizona Memorial. The Pearl Harbor Historic Sites (USS Bowfin Submarine Museum and Park, Pacific Aviation Museum, Battleship Missouri Memorial, and World War II Valor in the Pacific National Monument, formally USS Arizona Memorial) receive over 1.5 million visitors a year; they are one of the most visited destinations in the Pacific.

The National Park Service continues to support the concept of a transit system with a primary or alternate route that includes a station with convenient access to the WWII Valor in the Pacific

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National Monument, USS Arizona Memorial and Halawa Landing. We look forward to our continued participation in the Section 106 consultation.

### **Comments and Questions**

The NPS accepts the invitation to be a signatory to the Programmatic Agreement per your invitation of a letter dated July 24<sup>th</sup>. However, the proposed schedule to have a final PA by next week seems unrealistic. The first draft was sent to consulting parties during the week of July 14, 2009. A revised draft was distributed during the July 28<sup>th</sup> meeting. Also as stated during the conference call, the ACHP just received FTA's letter requesting their participation earlier this week. They need time to make their decision; and they have not been a participant up to this point. We request the FTA to set a more realistic time table for the consultation process.

### City & County of Honolulu Department of Transportation Services Letter, June 23, 2009

First the NPS thanks the FTA for conducting the additional noise analysis as requested by the National Park Service and for providing us access to the data. We also thank you for issuing the errata sheets and supplying additional visual simulations.

#### **Page 1**

We revisited the information previously provided to Dr. Jackson –Retondo and acknowledge our misunderstanding between the automatic National Register (NR) status that is granted to National Historic Sites versus National Monuments that are historical in nature, which are not automatically granted NR status. That said, Valor in the Pacific National Monument is a 4(f) property that will need to be included in the Section 4(f) evaluation; the impacts analysis in the EIS also should include impacts to the monument.

#### **Page 2**

We appreciate that FTA responded to our concerns regarding stations within the boundary of the Pearl Harbor NHL by moving these station to other locations. We thank you for responding to these concerns. Even with these changes, we were not in concurrence with the DOT's finding of no adverse effect to the Pearl Harbor and CINPAC NHLs as presented in the May 2009 Historic Effects Report, nor were other consulting parties as indicated in the May 21, 2009 State Historic Preservation Division letter, the July 9, 2009 Historic Hawaii Foundation letter. As such, the assessment of adverse effects phase (CFR36Part800.5) was not complete and it was premature to begin the resolution phase (CFR36Part800.6) of the Section 106 process.

The National Park Service supports the announcement during the July 28 conference call that the U.S. Department of Transportation Federal Transit Authority's (FTA) will accept the State Historic Preservation Division's adverse effect determination for Pearl Harbor and CINPAC National Historic Landmarks as well as 11 additional National Register of Historic Places properties. This new development reverses the findings relative to these resources presented in the Historic Effects Report and reiterated in your June 23 letter. Now that there is concurrence between the FTA and the consulting parties on the adverse effect determinations, the resolution phase of the consultation per CFR36PART 800.6 has moved forward, and we will continue to participate.

### Noise Study Data

It is unlikely that the project would produce significant noise impacts at the Memorial. Furthermore, the park recognizes that noise at the memorial is currently dominated by industrial sources and the nearby road bridge to the island. Presence of the light rail could reduce the number of other traffic noise sources and reduce some noise overall. However the analysis is not sufficient to fully assess potential positive or adverse noise impacts from the project.

The Noise and Vibration report dated October 1, 2008 incorrectly states in Chapter 4 Affected Environment, Section 4.16 that "Land uses between the Aloha Stadium Station and the Pearl Harbor Naval Base Station are predominantly commercial and industrial (Category 3). There are no sensitive land uses along this section." The statement is repeated in Chapter 5 Consequences with multiple "no impact" conclusions. This misstatement has been noted by NPS in previous comments on the project. The analysis should acknowledge the presence of the Memorial and assess the potential impacts of noise on Park resources and values.

Impacts for three sites near the memorial are appropriately analyzed according to FTA Criteria 1. Criteria 1 lands include those where quiet is an essential element in their intended purpose, such as... "National Historic Landmarks where outdoor interpretation routinely takes place" and "Sites of national significance with considerable outdoor use required for site interpretation"

The FTA Manual shows in Table 3-2 (section 3.1.1) that the noise metric for impact analysis of Land Use Criteria 1 is Outdoor L eq (h). In section 3.2.2, the FTA Manual further states that "For land use involving only daytime activities (e.g. churches, schools, libraries, parks) the impact is evaluated in terms of L eq (h), defined as the L eq for the noisiest hour of transit-related activity during which human activities occur at the noise-sensitive location. "

Section 3.2.2 of the FTA Manual also states that "Although the maximum noise level (L max ) is not used in this manual as the basis for the noise impact criteria for transit projects, it is a useful metric for providing a fuller understanding of the noise impact from some transit operations. Specifically, rail transit characteristically produces high intermittent noise levels which may be objectionable depending on the distance from the alignment. Thus, it is recommended that L max information be provided in environmental documents to supplement the noise impact assessment and to help satisfy the "full disclosure" requirements of NEPA." However the analysis does not address L max levels at the Memorial. NPS recommends that L max levels at the Memorial be reported in the document as suggested by FTA guidance and the resulting impacts to park resources and values be fully assessed.

According to the report, 15 minute measurements of existing conditions were made to determine sound levels at numerous locations along the transit corridor including three sites near the Memorial. However, it is not clear whether the 15-minute measurement periods adequately represent the L eq for the entire hour or whether the chosen measurement period represents the noisiest hour of transit-related activity as required by the FTA manual. The analysis should address the methods that were used to select the measurement periods and demonstrate that these periods are representative of the L eq for the entire hour and can be used to describe noisiest hour of transit-related activity

FTA noise impact analyses "incorporate both absolute criteria, which consider activity interference caused by the transit project alone, and relative criteria, which consider annoyance due to the change in the noise environment caused by the transit project." Due to the relative criteria, a thorough analysis should consider existing noise levels throughout the entire day, and not just during the "noisiest hour of transit-related activity. In accordance with NPS Management Policies, the ambient assessment procedure should use the natural ambient sound level or one compatible with a contemplative/solemn environment as the baseline for determining impacts from noise at the Memorial, not the existing noise level. Longer duration measurements should be made of the existing ambient to encompass hours of greatest sensitivity and a wider range of noise conditions. The analysis should also address the effects of the project on the desired visitor experience at the Memorial as indicated in Memorial plans and associated documents.

Section 4.18.2 states "The various parks and recreational resources directly along the project alignment are expected to be affected by temporary nuisances associated with construction, such as noise, dust, and visual intrusion." Section 4.18.5 states "Noise during construction could be bothersome and annoying to nearby residents, visitors, tourists, and businesses....Prior to construction, an approved Community Noise Variance will be obtained from HDOH. The permit will regulate construction times and activities and include mitigation commitments...These measures will be incorporated into site-specific construction noise mitigation plans to minimize noise impacts to sensitive receivers along the project alignment. Noise emission limits could also be set by variance requirements. Construction hours could be set, and noise-level criteria could be decided upon and adhered to during construction. Construction noise monitors will be used if required by HDOH." Section 4.18.11 addresses historic resources and states "Historic resources could be inadvertently affected during construction. Any potential construction impacts will be mitigated using measures outlined in previous construction sections related to noise, vibration, air quality, and water quality. HDOH should coordinate with Memorial staff to ensure that there are no adverse impacts on the park due to light rail construction activities and that site-specific mitigation plans and/or protection zones are implemented.

#### July 28, Revised Draft Programmatic Agreement

Dr. Jackson-Retondo provided informal comments on the revised draft programmatic agreement (PA) during the July 28 meeting, which she participated in via telephone. These comments included a suggestion that Stipulation I.A should be revised to reflect the appropriate process for conducting Historic American Buildings Survey, Historic American Engineering Record, and Historic American Landscape Survey mitigation documentation as well as a request that FTA revisit the decision to document some of the adversely affected resources according to HABS HAER HALS standards and other adversely affected resources to a lesser standard as described in Stipulation I.B. We also requested a better system for scheduling and for remote participation in the consultation meetings to facilitate more effective participation in the consultation process. The following comments, concerns, and questions are in addition to those communicated by NPS during the June 28<sup>th</sup> consultation.

The City and County of Honolulu have specific responsibilities identified in this programmatic agreement; however, they are not listed either as a signatory or concurring party. We believe they should be a signatory to the agreement.




We were informed during the call that Stipulation V.B has been deleted because the Navy will not allow access to the property to update the NHL. An update of the Pearl Harbor NHL nomination is needed and this stipulation seems appropriate for this agreement. We suggest that FTA work with or perhaps partner with the Navy so that this stipulation can be reinserted into the agreement. It may be possible that the research currently underway for the Pearl Harbor Cultural Landscape Report could be used to update the nomination and perhaps the Navy could provide the needed photo documentation for the update.

We would like to have a post construction noise monitoring stipulation added to this agreement. Projected noise levels are not always accurate. A recent case is the Seattle light rail system, which has posted much higher noise levels in some sections of the system than predicted. A post construction noise monitoring program should be implemented to ensure that actual noise levels do not exceed model predictions. If predicted levels are exceeded, additional analyses should be conducted to assess potential impacts to memorial resources from noise. NPS has protocols and methodologies for implementing an adaptive management approach to addressing noise impacts. Our staff is available to coordinate with HDOH to develop and implement an appropriate monitoring program.

We look forward to our continued participation in the Section 106 consultation. If you have any questions please call or email Frank Hays, Pacific Area Director (808-541-2693 ext 723; frank\_hays@nps.gov), or Elaine Jackson-Retondo, Pacific West Region, NHL Program Manager (510 817 1428; elaine\_jackson-retondo@nps.gov).

Sincerely,



Jonathan B. Jarvis

*for* Regional Director, Pacific West Region

cc:

Leslie Rogers, Regional Administrator, Federal Transit Administration Region IX, 201 Mission St. Suite 1650, San Francisco, CA 94105-1839

Patty Neubacher, Deputy Regional Director, Pacific West Region

Frank Hays, Pacific Area Director, Honolulu

Paul DePrey, Superintendent, World War II Valor in the Pacific

